

Typed complaint against US District Court Judge L.W.Flanagan [BEING RESUBMITTED ON 12/29/23]

10/9/23

SANJAY KUMAR
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NWAMAKA ANOWI
CLERK OF THE COURT
US COURT OF APPEALS FOR THE FOURTH CIRCUIT
1100 EAST MAIN STREET
SUITE 501
RICHMOND,VA
23219

RE: FORMAL COMPLAINT OF JUDICIAL MISCONDUCT,PREJUDICIAL MISCONDUCT & WILLFULL & MALICIOUS VIOLATION OF THE CANONS OF CODE OF CONDUCT FOR THE US JUDGES, AGAINST DISTRICT COURT JUDGE LOUISE WOOD FLANAGAN

Dear Mr. Anowi,

I am hereby filing a formal complaint against Judge L.W. Flanagan. Per the rules there is no time limit for filing this complaint & it must be filed with the Clerk of the Circuit Court who will then forward this to the Chief Judge of the pertaining Circuit Court [See attached instructions]

This corrupt Judge blatantly violated the Canons of the Judicial Code of Conduct, specifically:

CANON 1: A JUDGE SHOULD UPHOLD THE INTEGRITY & INDEPENDENCE OF THE JUDICIARY [FLANAGAN FOLLOWED THE US ATTORNEY'S ORDERS DURING THE CRIMINAL PROCEEDINGS]

CANON 2: A JUDGE SHOULD AVOID IMPROPRIETY & THE APPEARANCE OF IT, AT ALL TIMES. [SHE DID NOT DO THIS & THE RECORD IS CLEAR]

CANON 3:A JUDGE SHOULD PERFORM THE DUTIES OF THE OFFICE FAIRLY, IMPARTIALLY & DILIGENTLY [MY INFORMAL BRIEFS TO THE APPEALS COURT;INFORMAL BRIEF & ADDENDUM AS WELL AS REPLY TO THE GOVT.INFORMAL BRIEF, DETAIL HOW SHE VIOLATED CANONS 2 & 3]

Flanagan has also repeatedly & willfully indulged in prejudicial & Judicial Misconduct.

FC 1-3

She has abused her Judicial authority with impunity to disregard & trample my Due Process & Fundamental Constitutional Rights in order to ensure my wrongful conviction & sentence. She ratified the US attorney recommended unjust sentence, an obscene enhanced outrageous one at that, of 215 year, that included 100 years for 10 "structured transections" [See my PSR as well as the sentencing hearing synopsis]

Flanagan acted with bias, hostility & animosity towards the defense & created a general atmosphere of unfairness throughout the the criminal proceedings, in addition to precluding the defense from presenting rebuttal evidence!

Judge Flanagan not only did the prosecutor's bidding @ every stage of the criminal prosecution but in fact acted as the De Facto prosecutor herself!

She did everything to block the evidence of my innocence & the truth from the jurors & from the record & even issued threats to the defense counsel NEWTON, when NEWTON unearthed crystal clear evidence of witness tampering & obstruction of justice by the US Attorney's office & law enforcement, Flanagan unjustly & under ongoing threats of sanction & discipline, made NEWTON tremble in fear, for her "overzealous representation" & succeeded in manipulating her to provide not only ineffective assistance of counsel but in fact sabotage my defense thereafter.

Flanagan in doing so interfered with the attorney client relationship that I had with Newton & irreparably prejudiced my defense with devastating consequences. The improper accusations of professional misconduct against Newton, by Flanagan, were unfounded & were put into play by Flanagan to "neuter" my defense & to "turn" Newton against me [Rein her in]

Subsequently she conspired with the US Attorneys as well as the "compliant", Newton to block my testimony & evidence & forcibly removed me from the stand over my objections, while I was still testifying!

This whole sordid saga is revealed in:

#My informal brief & the addendum as well as my informal reply brief to the Govt's response to my brief

#My attachments to the briefs that I have submitted to the Appellate Courts to include

- *DE Exhibits
- *Minutes of the Court hearings
- *USB Drive evidence [My Final Pro Se refutations to PSI][ACTUAL USB DRIVE SUBMITTED]
- *Newton witness interviews
- *My synopsis of the trial as well as sentencing hearing
- *My refutations to Flanagan's sentencing memo
- *My refutations to the Govt's sentencing memo
- *My synopsis of the DE exhibits

Flanagan behavior was so egregious that she blocked the questioning of the sham govt Govt. "expert", at trial, by Newton & @ the sentencing hearing by myself, thus violating the "confrontation clause" of the constitution.

These were not isolated events but there was a pattern of failing to ensure the rights of the criminally charged defendant with a FANATICAL EAGERNESS TO SECURE A WRONGFUL CONVICTION & A LENGTHY SENTENCE. THIS IS TOTALLY CONTRARY TO A JUDGE'S ROLE AS AN IMPARTIAL ARBITRER.

What is utterly deplorable is that Judge Flanagan indulged in this flagrant & atrociously unlawful & unconstitutional behavior with planning, forethought, malice, malevolence & willfulness. THIS SHOWS DELIBERATE MISCONDUCT WHERE JUDGE FLANAGAN ABUSED & EXCEEDED HER AUTHORITY & ACTED WITH AN IMPROPER PURPOSE.

Flanagan acted with prejudicial bias & failed to observe the basic decent standard of conduct expected of a Judge & displayed impropriety, favoritism & dereliction of duty.

On display was a spectacle of intentional & conscious disregard of the criminally charged defendant's fundamental rights with overt embroilment on the part of the Judge, evidenced by pompous & affected speeches, pique, anger, high handedness, interruptions, dictatorial attitude & rulings, complete disregard of the rules of the criminal procedures & other improper purposes.

This was all particularly appalling as it was done in bad faith.

FL 2-3

Not only was the Outrageous Govt. Misconduct evidence, blocked from the jurors, but also the blatant witness tampering by US attorneys as well as the chief case agent & law enforcement personnel was not exposed. [Crystal Scott was blocked pretrial & Randy Bryan & Alan Pyrtle were blocked @ trial]

Flanagan in addition conspired with the US Attorney's as well as the US Govt to facilitate the witness tampering, coercion, threatening of all witnesses & potential witnesses by unlawfully forcing defense counsel to hand over her witness interviews, pretrial, in direct contravention to the FRCP rules.

Additionally Flanagan had an inappropriate "social" relationship [drinking buddies & confidants] with a "nurse" [actually a veterinarian technician, who worked @ Pamlico County Detention Center, by the name of "STACY" a pseudonym] Flanagan

had the habit of "sharing" her Judicial biases with "STARR", who would then inform the presentencing detainees what sentence Flanagan had in mind for them beforehand!

"STARR" informed me, years before my trial, that Flanagan did not like me At all & I was never getting out. So not only did this "FAIR/EQUITABLE" Judge have a lengthy sentence in mind for me, that was predetermined, but she shared her animosity towards me with a non officer of the Court, before my trial!

In fact, when it came to my case, Flanagan had 2 goals in mind

1] PRIMARY GOAL TO INFLICT MAXIMUM PUNISHMENT

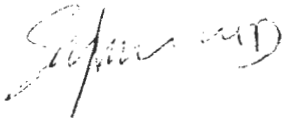
2] SECONDARY GOAL WAS TO ACCOMPLISH HER OBJECTIVES IN A MANNER TO ENSURE THAT SUCH CONDUCT BE INSULATED FROM JUDICIAL REVIEW & COLLATERAL ATTACK

SUCH A PLANNED SUBVERSION OF JUSTICE & A MISUSE OF JUDICIAL POWER COULD ONLY BE UNDERTAKEN IN BAD FAITH.

SANCTIONS, REPROVAL, CENSURE OR PUBLIC ADMONITION IS NOT ENOUGH, BY ANY MEANS FOR THIS SABOTEUR OF JUSTICE, SHE MUST BE REMOVED FROM THE OFFICE

Sincerely,

SANJAY KUMAR MD



(FL)

3-3

3/4/24

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Mr. Namaka Anowi
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Richmond, VA 23219

RE: Petition for Chief Judge disposition under Rule 11(c) [dismissal]. No. 04-24-90004. Memo & order dated 2/29/24, received 3/4/24

Dear Sirs/Madams,

I hereby petition the Judicial Council for review of the Chief Judge DIAZ'S dismissal of my Judicial complaint by rules promulgated under 28 USC SubSection 358 & also request that it be referred to no fewer than 5 council members. Furthermore DIAZ should be IMMEDIATELY EXCLUDED from all proceedings related to this complaint as well as my DIRECT APPEAL [Motion filed- SEE ENCLOSED]

DIAZ demonstrated gross negligence, inaptitude, incapability, bias, favoritism & BASIC inability to go over elementary & IRREFUTABLE EVIDENCE TYPED IN BLACK & WHITE, OF JUDICIAL MISCONDUCT, by Flanagan & has dismissed the complaint. [Motion to recuse DIAZ from my proceedings, includes listing of materials supplied to the Clerk to forward to DIAZ]

In order to justify his spurious dismissal, DIAZ intentionally makes NO MENTION of the background information of brazen witness tampering & intimidation by Govt. agents & US attorneys, of the trial witnesses & Flanagan's egregious actions, rulings, threats to keep that off the record & from the jurors eyes. DIAZ begins by stating, "Prior to trial the Govt. filed a motion in Limine to exclude statements.." THIS IS WILLFUL OBFUSCATION & DECEPTION BY DIAZ

DIAZ readily, eagerly accepts & assimilates the "official" sham narrative provided by Flanagan & regurgitates it in his filing as if it is Gospel & conveniently ignores the criminal actions of Flanagan where she aided & abetted, conspired & obstructed justice, with the US Govt., when they indulged in trial witness tampering & intimidation, pre trial, so that they could secure false testimony for my wrongful conviction. He did not do his due diligence/leg work to determine the facts which were readily apparent in the evidence he was provided. Rule 11[b] of Judicial conduct commanded him to conduct an inquiry & to obtain & review records, transcripts & relevant documents. I provided him those & he was derelict in his duty & willfully ignored them. DIAZ is supposed to be a leader [The Chief Judge] & is duty bound to be an impartial seeker of truth @ all times & not play political games with other Judges, exchange favors & give free passes. He needs to be cognizant that legal matters are very serious & involve other humans lives, liberty, property & freedom

JC 1-3

The US attorneys, in order to hide their crimes [failed witness tampering attempts on Crystal Scott] filed an Ex Parte motion under seal to appoint her a FPD & the SUBSEQUENT Judge Gates order approving, was also Ex Parte & under seal. These never appeared on the docket, so how was Newton to know, she is not clairvoyant [See DE 258, filed 5/9/19 by Newton- this was detailed in my DE synopsis that I provided DIAZ]

DIAZ states that defense counsel Newton "acquiesced" to the remedies in shelving the bombshell evidence of the Crystal Scott interview detailing the brutal mental gang rape of Scott by the US attorneys & Chief case agent Wilcutt, where they repeatedly threatened her with decades of Federal time in addition to her State time if she did not lie on the stand about me & state that she had sex with me, got free & extra pills from me & worked for me recruiting patients. Flanagan threatened Newton in the 5/30/19 hearing, the rules of which she provided DIAZ, telling her to stop her "stop her" representation, disciplined her &

left threats of further sanctions hanging above her head till the criminal proceedings were concluded. This effectively neutered her. Newton informed Appellant [defendant] that she would lose her license & livelihood if she pursued these matters of outrageous Govt. conduct further, after initially telling him that this case was going to be a MISTRIAL due to prosecutorial misconduct. The record supports how Newton started sabotaging the defense case after Flanagan's threats. Newton might deny her conversations that she had with me, for self preservation, because Flanagan is a vindictive tyrant & will destroy Newton's law career if she finds out that Newton is spilling the beans

DIAZ states "Newton apologized". What choices did Newton have at that time when she was faced by a tyrannical despotic Judge who was gunning for her @ the hearing. DIAZ is well aware of the power Judges exercises over the attorneys in the Courtroom. See DE 260 brief filed 5/10/19 by Newton states that she was threatened & had bad experience with my US Atty Highdon in the past & at least 10 WITNESSES she & her investigator had interviewed had been coerced/threatened by the Govt & she adds, "agents of the Govt are actively spreading information unfavorable to a fair hearing in the community & inflaming passions & intimidating the witnesses"

DIAZ adds that I had no complaints about counsel. See the 5/30/19 minutes, I got up 3 times to tell the Judge what I thought of her unlawful actions & she told me to talk to Newton who begged me in the ear to sit down & remain quiet for her sake. I had exhausted almost a million dollars of my retirement & gone through 3 different counsels including Newton. What was I supposed to do now, get rid of Newton, sell my home [which I could not because of the Govt.'s lien] & pay ANOTHER 500k to get a 5th attorney? I had to make do with Newton because 300k had been paid up front & there were no refunds

DIAZ states that I "allege" that Flanagan neutered Newton after the 5/30/19 hearing, turned her ineffective & interfered with my atty/client relationship. I do not allege this DIAZ, the proof is in the pudding. If you would have done your duty & spent a few days with all the Trial/Sentencing synopsis that I had sent you & read the briefs that I filed with the Appellate Court that I also included & read Newton's sentencing memorandum & seen the letters I sent to Flanagan firing Newton [DE synopsis I sent you] YOU WOULD NOT HAVE MADE SUCH A FOOLISH STATEMENT BUT YOU ARE MORE INTERESTED IN PLAYING POLITICAL GAMES WITH OTHER JUDGES & CURRYING FAVORS & BASE YOUR DECISIONS ON THAT RATHER THAN ON MERIT

DIAZ similarly states that I "claim" that Flanagan acted with hostility & prejudice, ratified the Govt's unjust sentence & blocked my evidence of innocence. Again I do not just "claim" this but the record, THAT DIAZ IS SO LOATH TO READ & COMPREHEND, REFLECTS ALL THIS. Flanagan adopted the erroneous PSR with unproven alleged facts post trial & increased my sentence from 27 months [Jury Found] to 20 years [prosecutor recommended 215 years!]

DIAZ continues this fiasco, his memo, following the same pattern & adds I "claim" to all the factual incidents & evidence that transpired/is evident during my criminal proceedings [done in an effort to discredit me] without verifying them in the record

Pamlico County Detention "nurse tech. Starr" informed me, multiple times. pretrial, that she was a close confidant/friend of Flanagan & they both hated me & that Flanagan was never going to let me out & give me a lengthy sentence. Is that NOT what happened?? [2 denied detention hearings & a 20 year sentence] Starr was informing multiple pre trial detainees whether Flanagan liked them or not & what kind of sentence Flanagan was going to give them. How did Starr know all this pretrial???

Record indicates that Flanagan gave a long pompous & affected speeches stating that jurors are supposed to focus on the evidence in the case & then throughout the case blocked any & all evidence that hurt the Govt case like the CSRS data, my exhibits of my innocence, Outrageous Govt. conduct etc, Similarly she informed them that the jury will speak the truth/have final say & when they repeatedly told her they were deadlocked she forced them to compromise & usurped the jury verdict by not sentencing me to 27 months as they found but 20 years!

JC-2-3

DIAZ wrongfully deduces that I am pursuing my "disagreements" with Flanagan through the complaint. I am pointing to the unlawful, unconstitutional & criminal actions of Flanagan who is not an impartial arbiter

How are the rulings of Flanagan "meritorious" & "procedural" when they have resulted in the wrongful conviction & lengthy sentencing for an innocent man. I will give one example here [there are many in the record] FRCP 16(b) (2) (B) specifically does not authorize the disclosure & inspection of stmts. made to defendant or his Atty by

- 1) Defendant
- 2) Govt or defendant's witness
- 3) Prospective 2

Newton's motion DE 181 dated 9/10/18 spells that & I included in the DE synopsis forwarded to DIAZ
Flanagan violated this & played her 100% US Dty & forced 73640 to Filed 04/22/24 in review to the Us Atty. [Flan.

order 9/4/18- that I also included in the DE synopsis]

The US Atty's used this to launch a campaign of terror [through law enforcement] in the community with threats & intimidation THAT DIRECTLY RESULTED IN NEWTON ONLY BEING ABLE TO PRODUCE 8 WITNESSES AS OPPOSED TO 60 [See my informal Reply brief, that was also sent to DIAZ]

DIAZ, answer me this, How are any of these Flanagan rulings/actions "meritorious"?

- blocking the CSRS data that was the DEATH of the Govt's fake case [See my informal reply brief]

- preventing me from testifying [see trial synopsis where she sends the jury out whilst I tell them that my testimony is not finished. See the trial synopsis of the last 2 days of my testimony including the day closing arguments start, where I repeatedly entreat that Judge that my testimony is not concluded & she starts talking over me & sends the Jury out & makes me step down]

- preventing me from showing jurors my exhibits of innocence that refuted the false AUSA narrative

- preventing jurors from learning about the blatant witness tampering done by US Attys on each & every witness

- blocking outrageous Govt conduct as well as my videos that showed it

THESE ARE TARGETED ATTACK ON THE DEFENSE TO WRECK HAVOC & SECURE A CONVICTION

DIAZ my Direct Appeal is still under consideration so this is not a motion for reconsideration nor am I supplementing my Direct Appeal as I have already raised these issues in my brief

DIAZ is UNCONCERNED with the UNCONSTITUTIONALITY & UNLAWFULNESS of Flanagan's actions but uses deflection, obfuscation & skewed logic & states that these are "Judicial decisions" & if examined will raise questions about JUDICIAL INDEPENDENCE!! I am no law professor DIAZ but Judicial independence is enshrined in the constitution [separation of powers doctrine] & when a Judge shamelessly plays second fiddle to the US atty & takes their orders, then that clause is violated

DIAZ then opines [WRONGFULLY] that my "complaint lacks sufficient evidence to raise an inference of misconduct" WHAT DO I NEED TO DO TO MAKE DIAZ READ & COMPREHEND THE LOADS OF EVIDENCE LAID BEFORE HIS EYES?? IT DOES HAVE SPECIFIC ALLEGATIONS WITH SUFFICIENT FACTUAL DETAILS WITH OBJECTIVE VERIFIABLE PROOF. [I am confined to 5 pages so I can't fit them all in there & that is why I refer to the supporting evidence forwarded. Although transcripts were not enclosed, a whole Staples copy paper box, I enclosed synopsis of all the proceedings that is an accurate depiction & condenses thousands of papers to a few hundred. It took me years, working 20 hours a day, to do this for the benefit of the Judges]

When "adverse rulings" by the presiding Judge are unconstitutional, unlawful, cumulative & done in bad faith & malice to hamper & prejudice the defense to secure a wrongful conviction, then they are Judicial Misconduct, DIAZ, PERIOD!

Removing me from the stand & not letting me testify fully & blocking my evidence of innocence-violation of the due process clause, preventing me from exposing the lying Govt expert ON CROSS-violation of the 6th amendment confrontation clause, calling me mental, artificially jacking up my sentence by decades & WRONGFULLY TAKING MY LIFE, LIBERTY, PROPERTY & FREEDOM AWAY FROM ME ARE VERY VERY VERY HOSTILE & EGREGIOUS ACTIONS BY FLANAGAN

It is frightfully sinister as to how DIAZ has masterfully crafted this memo with prevarications to justify his spurious ruling so as to not invite Judicial scrutiny & how legit it looks to befool the unwary & those not in the know

JL 3-3

LOCAL RULE 6(b)(2) REGARDING SUPPORTING DOCUMENTS STATES THAT DOCUMENTS REFERRED IN STATEMENT OF FACT MAY BE FILED WITH THE COMPLAINT & THAT IS WHAT I DID

IT IS THE DUTY OF THE CLERK TO FORWARD ALL DOCUMENTS REGARDING COMPLAINT TO THE JUDGE & THENCE TO THE JUDICIAL COUNCIL -RULE 17(c)(2)

ENCLOSURES:

- Motion to recuse DIAZ DATED 3/5/24

- Anowi's letters dated 1/11/24 & 1/26/24 erroneously stating no evidence encl. when I sent him all the synopsis, refutations & briefs & also blocking it & my responses 1/19 & 2/23/24 URGING HIM TO FORWARD MY EVIDENCE TO THE

JUDGE & QUESTIONING THE SANCTITY OF THE JUDICIAL REVIEW PROCESS AS HE IS INDICATING IN HIS LETTER THAT MY COMPLAINT WILL MOST LIKELY BE DISMISSED EVEN BEFORE THE JUDGE RELEAS